

commitment to submit a new license application. These commitments were confirmed by NRC in a November 8, 1994 Confirmatory Action Letter (CAL) to Ms. Hollingsworth. The CAL described the commitments that she had made, including her commitment to "Ensure that licensed material is not used until this matter is resolved and a specific license authorizing possession and use of byproduct material is issued from this office." Her receipt of the CAL was confirmed on November 23, 1994, during another telephone call from NRC Region IV. On December 19, 1994, NRC Region IV conducted an inspection of Blackhawk.

In January 1995, the NRC Office of Investigations began an investigation based on concerns about the accuracy of Ms. Hollingsworth's statements to NRC personnel during the December 19, 1994 inspection. Ms. Hollingsworth was interviewed by an NRC investigator and, in a signed, sworn statement on January 12, 1995, she admitted that she understood in November 1994 that she should no longer use the gauges; admitted that she had used gauges containing byproduct material up until December 22, 1994, to complete a construction job; and admitted that she had not been truthful when she told the NRC inspector, during the December 19, 1994 inspection, that she had not used any gauges since 1992. She stated "I needed to get the job done and I thought by not telling \* \* \* the truth I could go ahead and get the job done."

### III

Based on the above, Maria Hollingsworth, doing business as Blackhawk Engineering, Inc., has willfully violated NRC requirements by deliberately using NRC-regulated material in violation of 10 CFR 30.36(c)(1)(i), and by deliberately making false statements to NRC personnel in violation of 10 CFR 30.9. These deliberate violations also constitute a violation of 10 CFR 30.10, which prohibits deliberate misconduct. The NRC must be able to rely on the Licensee and its employees to comply with NRC requirements, including the requirement to provide information that is complete and accurate in all material respects. By her actions, Ms. Hollingsworth has demonstrated that she is either unwilling or unable to comply with Commission requirements and cannot be trusted to provide complete and accurate information to the Commission. Furthermore, Ms. Hollingsworth is currently in possession of NRC-regulated byproduct material without a valid NRC license.

Consequently, I lack the requisite reasonable assurance that the health and safety of the public will be protected. Therefore, the public health, safety, and interest require that Blackhawk Engineering, Inc. and Maria Hollingsworth, doing business as Blackhawk Engineering, Inc., be required to cease and desist unauthorized possession of regulated byproduct material and to provide certification to the NRC that all regulated byproduct material has been transferred to authorized recipients.

### IV

Accordingly, pursuant to sections 81, 161b, 161c, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR parts 20 and 30, it is hereby ordered that Blackhawk Engineering, Inc. and Maria Hollingsworth, doing business as Blackhawk Engineering, Inc., shall:

A. Immediately cease and desist from any further use of byproduct material now in their possession, with the exception that sealed source(s) containing cesium-137 or americium-241 shall be tested for leakage by a person authorized to perform the test prior to the transfer of the source(s) to another person or entity if a leak test has not been performed within the last six months prior to transfer.

B. Maintain safe control over the byproduct material, as required by 10 CFR part 20, by keeping the material in locked storage and not allowing any person access to the material, except for purposes of assuring the material's continued safe storage, until the material is transferred to a person authorized to receive and possess the material in accordance with the provisions of this Order and the Commission's regulations.

C. Within 30 days of the date of this Order, transfer all byproduct material to a person authorized to receive and possess it.

D. At least two working days prior to the transfer of the byproduct material, notify Ms. Linda Howell, Region IV, by telephone (817-860-8213) so that the NRC may, if it elects, observe the transfer of the material to the authorized recipient.

E. Within seven days following completion of the transfer, provide to the Regional Administrator, Region IV, in writing, under oath or affirmation: (1) Confirmation, on NRC Form 314, that the byproduct material has been transferred; (2) the last date that the byproduct material was used; (3) a copy of the leak test performed prior to transfer; (4) a copy of the survey

performed in accordance with 10 CFR 30.36(c)(1)(v); and (5) a copy of the certification from the authorized recipient that the source has been received.

Copies of the response to this Order shall be sent to the Regional Administrator, Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, and to the Assistant General Counsel for Hearings and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

After reviewing the response, the NRC will determine whether further action is necessary to ensure compliance with NRC requirements.

Dated at Rockville, Maryland this 14th day of February 1995.

For the Nuclear Regulatory Commission.

**Hugh L. Thompson, Jr.,**

*Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support.*

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### [Docket No. 50-029]

#### **Yankee Atomic Electric Co.; Yankee Nuclear Power Station; Order Approving the Decommissioning Plan and Authorizing Decommissioning of Facility**

### I

The Yankee Atomic Electric Company (YAEC, the licensee) is the holder of Facility Operating License No. DPR-3 issued by the U.S. Nuclear Regulatory Commission (NRC, the Commission) formerly the Atomic Energy Commission, pursuant to 10 CFR Part 50 on July 9, 1960. The license was amended on August 5, 1992, to remove the authority of the licensee to operate the Yankee Nuclear Power Station (YNPS, the plant). The facility is located on the licensee site in the Town of Rowe, Franklin County, Commonwealth of Massachusetts.

### II

On October 1, 1991, the plant was shut down for an evaluation of potential reactor vessel integrity problems. In February 1992, all fuel was removed from the reactor vessel to the Spent Fuel Pit. By letter dated February 27, 1992, YAEC informed the NRC that the plant was permanently shut down and that decommissioning would commence. This action initiated the two year clock in 10 CFR 50.82 that requires submittal of a decommissioning plant within that time interval. YAEC submitted the Decommissioning Plan (Plan) on

December 20, 1993 which included an Environmental Report.

On March 29, 1994, in accord with 10 CFR 50.82(e), a Notice of Receipt of Decommissioning Plan and Environmental Report and Opportunity for Public Comments was published in the **Federal Register**, (59 FR 14689). Due to public interest in the decommissioning process, the Federal Register Notice announced a local meeting to provide the public an opportunity to make comments on the Plan. The meeting, an informal public hearing, was held in August 1994 in Franklin County and was transcribed. The public comments have been addressed in Appendix A to the attached Safety Evaluation. In addition, the staff held a second meeting, the day after the meeting on the Plan, to give the public an opportunity to present concerns on issues outside the Plan. This follow-up meeting was also transcribed and the staff has provided separate written responses to all of these concerns by letters dated May 10 and September 23, 1994.

The major concerns of the public are the perceived impacts of Yankee Rowe power generation and decommissioning on the Deerfield River Valley and a claim of denial of public participation in the decommissioning process. This latter concern is at issue in a case heard before the U.S. Court of Appeals for the First Circuit in Boston, Massachusetts on January 10, 1995. A decision will be rendered in the near future. In regard to the first concern, the plant has been required to comply with 10 CFR Part 20 throughout the 31 years of power operation and during the decommissioning process to date, and based on many NRC and Commonwealth of Massachusetts inspections, the staff concludes that there are no impacts resulting from Yankee Rowe that have diminished public health and safety in the Deerfield River Valley.

### III

The NRC has reviewed the YAEC Plan with respect to the provisions of the Commission rules and regulations and has found the decommissioning as stated in the YNPS Plan will be consistent with the regulations in 10 CFR Chapter I, and will not be inimical to the common defense and security or to the health and safety of the public.

The staff concluded that this order should contain a condition that specifies the method by which the licensee may make changes to the Plan, the Final Safety Analysis Report, or the facility.

### IV

Accordingly, pursuant to Sections 103, 161b, 161i, and 161o, of the Atomic Energy Act of 1954 (as amended), 10 CFR 50.82, the YNPS Decommissioning Plan is approved and decommissioning of the plant is authorized subject to the following condition:

With the respect to changes to the facility or procedures described in the updated FSAR or changes to the Decommissioning plan, and the conduct of tests and experiments not described in the FSAR, the provisions of 10 CFR 50.59 shall apply.

Pursuant to 10 CFR 51.21, 51.30, and 51.35, the Commission has prepared an Environmental Assessment and Finding of No Significant Impact for the proposed action. Based on that assessment, the Commission has determined that the proposed action will not result in any significant environmental impact and that an environmental impact statement need not be prepared.

### V

For further details with respect to this action see: (1) The application for authorization of decommission the facility, of December 20, 1993, as supplemented August 5, August 22, October 24 and October 26, 1994. These documents are available for public inspection at the Commission Public Document Room, the Gelman Building, 2120 L Street NW., Washington, D.C. 20555, and at the Local Public Document Room located at the Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301.

Dated at Rockville, Maryland this 14th day of February 1995.

For the Nuclear Regulatory Commission.

**William T. Russell,**

*Director Office of Nuclear Reactor Regulation.*  
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### SECURITIES AND EXCHANGE COMMISSION

[Release No. 33-7137, File No. S7-6-95]

#### Securities Uniformity; Annual Conference on Uniformity of Securities Law

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Publication of release announcing issues to be considered at a conference on uniformity of securities laws and requesting written comments.

**SUMMARY:** In conjunction with a conference to be held on March 27,

1995, the Commission and the North American Securities Administrators Association, Inc. today announced a request for comments on the proposed agenda for the conference. This meeting is intended to carry out the policies and purposes of section 19(c) of the Securities Act of 1933, adopted as part of the Small Business Investment Incentive Act of 1980, to increase uniformity in matters concerning state and federal regulation of securities, to maximize the effectiveness of securities regulation in promoting investor protection, and to reduce burdens on capital formation through increased cooperation between the Commission and the state securities regulatory authorities.

**DATES:** The conference will be held on March 27, 1995. Written comments must be received on or before March 22, 1995 in order to be considered by the conference participants.

**ADDRESSES:** Written comments should be submitted in triplicate by March 22, 1995 to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549. Comments should refer to File No. S7-6-95 and will be available for public inspection at the Commission's Public Reference Room, 450 5th Street NW., Washington, DC 20549.

**FOR FURTHER INFORMATION CONTACT:** William E. Toomey or Richard K. Wulff, Office of Small Business Policy, Division of Corporation Finance, Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549, (202) 942-2950.

#### SUPPLEMENTARY INFORMATION:

##### I. Discussion

A dual system of federal-state securities regulation has existed since the adoption of the federal regulatory structure in the Securities Act of 1933 (the "Securities Act").<sup>1</sup> Issuers attempting to raise capital through securities offerings, as well as participants in the secondary trading markets, are responsible for complying with the federal securities laws as well as all applicable state laws and regulations. It has long been recognized that there is a need to increase uniformity between federal and state regulatory systems, and to improve cooperation among those regulatory bodies so that capital formation can be made easier while investor protections are retained.

The importance of facilitating greater uniformity in securities regulation was endorsed by Congress with the

<sup>1</sup> 15 U.S.C. 77a et seq.